

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YUE KONG,

Plaintiff,

v.

UR JADDOU, *et al.*,

Defendants.

Case No. 2:24-cv-00897-JHC

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

Noted for Consideration:
August 20, 2024

Plaintiff and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to stay these proceedings until January 21, 2025. Plaintiff brought this litigation pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel the U.S. Citizenship and Immigration Services (“USCIS”) adjudicate his Form I-589, Application for Asylum and for Withholding of Removal. Defendant’s response to the Complaint is currently due on August 30, 2024. The parties are currently working towards a resolution to this litigation. For good cause, the parties request that the Court hold the case in abeyance until January 21, 2025.

1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
2 (1997). “[T]he powers to stay proceedings is incidental to the power inherent in every court to
3 control the disposition of the causes on its docket with economy of time and effort for itself, for
4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R.
5 Civ. P. 1.

6 With additional time, this case may be resolved without the need of further judicial
7 intervention. USCIS has scheduled Plaintiff’s asylum interview for September 23, 2024.
8 USCIS agrees to diligently work towards completing the adjudication within 120 days of the
9 interview, absent unforeseen or exceptional circumstances that would require additional time for
10 adjudication. If the adjudication is not completed within that time, USCIS will provide a status
11 report to the Court. Plaintiff will submit all supplemental documents and evidence, if any, to
12 USCIS seven to ten days prior to the interview date. Plaintiff recognizes that failure to submit
13 documents prior to the interview may require the interview to be rescheduled and the
14 adjudication delayed. If needed, Plaintiff will bring an interpreter to the interview, otherwise
15 the interview will need to be rescheduled and the adjudication delayed. If USCIS needs to
16 reschedule Plaintiff’s interview, USCIS will make its best efforts to do so within four weeks of
17 the initial appointment and as interview appointment availability allows.

18 After the interview, USCIS will need time to adjudicate Plaintiff’s asylum application.
19 Once the application is adjudicated, Plaintiff will dismiss the case with each party to bear their
20 own litigation costs and attorneys’ fees. Accordingly, the parties request this abeyance to allow
21 USCIS to conduct Plaintiff’s asylum interview and then process his asylum application.

22 As additional time is necessary for this to occur, the parties request that the Court hold
23 the case in abeyance until January 21, 2025. The parties will submit a joint status report on or
24 before January 21, 2025.

1 DATED this 20th day of August, 2024.

2 Respectfully submitted,

3 TESSA M. GORMAN
4 United States Attorney

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s/ Michelle R. Lambert

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10 *Attorneys for Defendants*

s/ Adam Boyd

11 ***I certify that this memorandum contains 441***
12 ***words, in compliance with the Local Civil***
13 ***Rules.***

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Attorneys for Plaintiff

ORDER

The case is held in abeyance until January 21, 2025. The parties shall submit a joint status report on or before January 21, 2025. It is so **ORDERED**.

DATED this 21st day of August, 2024.

A handwritten signature in black ink, reading "John H. Chun", is written over a horizontal line.

JOHN H. CHUN
United States District Judge